

MEMORANDUM OF UNDERSTANDING
BETWEEN
UNITED STATES ARMY, FT. RICHARDSON, ALASKA
AND
ANCHORAGE POLICE DEPARTMENT

SUBJECT: Coordinated Law Enforcement Activity

1. Purpose. This is a Memorandum of Understanding (MOU) between the Anchorage Police Department (hereinafter referred to as APO), as the designated agent charged under the Anchorage Municipal Code and Alaska statutes with the responsibility for municipal law enforcement, prevention of crime, pursuit and apprehension of offenders, service of civil and criminal process, assistance to other departments of the State, Municipal, and Federal Governments in the enforcement of civil and criminal laws and regulations, and the United States Army (hereinafter referred to as USA), Fort Richardson, Alaska (FRA).

a. In accordance with Anchorage Municipal Code 3.20.070(A)(8), APD is responsible for enforcing the observance of all laws and ordinances, to promote and maintain order, and to protect lives and property.

b. In accordance with the appropriate Department of Defense (DOD) Directives, the Uniform Code of Military Justice (UCMJ), Title 10, United States Code, and the Inspector General Act of 1978, Title 5, United States Code, Appendix 3, the military has responsibility for the discipline of the Armed Forces.

c. This MOU establishes policy for APD and USA with regard to the investigation of criminal matters over which the two agencies have concurrent jurisdiction. This memorandum is not intended to confer any rights, benefits, privileges, or form of due process procedure upon individuals, associations, corporations, or other persons or entities. Nothing in this MOU prevents any agency with jurisdiction from prosecuting a person for committing a criminal offense. Other federal law enforcement agencies are not bound by this MOU.

2. Reference.

a. AMC 3.20.070(A)(8), AS 18.65080 and AS 18.65090

b. Title 5 and 10, United States Code & 40 USC 318a 32 CFR 210,634

3. Problem. Concise and clear guidance to all affected agencies must be set forth in the MOU to effect coordinated law enforcement effort.

4. scope.

a. APD has responsibility for enforcement of all laws and ordinances in the Municipality of Anchorage. The Fort Richardson military reservation is contained within the Municipality of Anchorage. However, the USA has responsibility for the investigation of criminal offenses occurring on FRA or committed by USA service members or Department of

the Army (DA) civilians, requiring "joint" investigations with APD for offenses committed within the base boundaries or by soldiers assigned to the United States Army Alaska (USARAK).

b. Prompt administrative actions and investigations within the statute of limitations under the UCMJ requires USA to assume an important role in the State and Municipal Criminal investigations involving military members. To encourage coordinated investigative responsibility/, APD and USA will cooperate fully and conduct the inquiry with the interested Army investigative, agency [generally the US Army Criminal Investigation Command (USACIDC) or Fort Richardson Military Police Investigators (MP)].

5. Understanding.

a. The USA will:

- (1) Conduct preliminary investigations of all offenses occurring on FRA. If it is determined the Municipality of Anchorage has jurisdiction, USA will secure the scene and immediately notify APD. When APD takes primary jurisdiction over the investigation, USA will provide APD with complete, concise, and accurate written reports of the initial response effort of USA personnel to include statements, crime scene photos, sketches, evidence and/or any other investigative effort expanded by USA personnel (unless precluded by security restrictions). However, when USA interest exists, USA may monitor the APO investigation to satisfy Army interests.
- (2) Ensure all USA reports designated for APD are transmitted by correspondence reflecting the exact purpose for which APD is receiving reports, (i.e. initial response efforts reports, investigative follow-up reports).
- (3) When it is determined that APD has jurisdiction, refer all media requests for information through the USARAK Public Affairs Office to APD.
- (4) Stop and detain suspected intoxicated drivers and immediately contact APD (for DWI testing) for civilians. If a substantial delay in APD response is anticipated, USA may administer breath test to preserve evidence. In such cases, USA will prepare reports and make witnesses available to testify at court hearings.
- (5) Maintain active regular liaison between APD leadership and USA law enforcement officers to promote cooperation and resolve conflicts. Forums may include reciprocal officer ride-a-longs, training opportunities, social functions, and official meetings.
- (6) The FRA Military Police will process all APD requests for on-post training through appropriate USA activities to obtain approval, unless previously approved by USA. The FRA Military Police will notify APD of the status of all such requests.

b. APD will:

- (1) Notify USA of all complaints or investigation requests (not filed by USA) concerning USA military and DA civilian personnel, military dependents or USA property.
- (2) Support this by providing USA with complete, concise and accurate written reports of any initial response effort and follow-up on investigative reports on matters which were referred to APD (concerning USA military and DA civilian personnel, dependents or USA property).
- (3) Orally advise USA (followed by written verification) when an allegation in paragraphs 2b(1-15) has been rejected for investigation, and the reason for such rejection.
- (4) Advise the FRA Military Police Desk prior to the serving or enforcing summons, subpoenas, court orders, arrest warrants or similar instruments on FRA.
- (5) Contact FRA Military Police to request delivery of military members to civil authorities. Documentation supporting the request will be reviewed by an officer of the Staff Judge Advocate (SJA) office prior to approval of delivery by the appropriate commander. Military Police will ensure that the requesting official signs a receipt accepting custody of the service member.
- (6) Process civilians for Driving While intoxicated (DWI) on FRA. If a substantial delay in APD response is anticipated, USA may administer field sobriety tests or breath tests to preserve evidence. Once APD has been notified by USA of a suspected DWI driver, APD will respond to the scene and where appropriate, take the driver into custody for criminal processing.
- (7) Coordinate all on-post training with Military Police. Coordinate off-post training in adjacent areas that may affect USA Military Police (i.e. pyrotechnics or weapons training).
- (8) Notify the FRA MP Desk immediately of any arrest of active duty Army members.
- (9) Notify the FRA MP Desk of controlled substances or dangerous drug incidents (to include possession of any amount of marijuana, suspected marijuana residue or narcotic paraphernalia) committed within the municipality of Anchorage by USA personnel, dependants or any DA civilians promptly.
- (10) Maintain active, regular liaison between APD leadership and USA law enforcement officers to promote cooperation and resolve conflicts. Forums may include reciprocal officers ride-a-longs, training opportunities, social functions, and official meetings.
- (11) Not require USA law enforcement officers acting in an official capacity to complete Private Persons Arrest forms when delivering persons into APD control/custody.

c. USA and APD will investigate "jointly" the following serious offenses occurring on Fort Richardson, wherein the suspect is a civilian. Joint investigations require cooperation ~~between~~ agencies to prevent duplication of investigative efforts. Close coordination is required to ensure ~~compliance~~ with both agencies procedural guidelines and SOP. Early in the investigation, agencies should divide ~~effort~~ clearly or work as a team to satisfy both agencies requirements.

*****Primary right to exercise jurisdiction should always rest with the agency having the best prosecutorial standing (as addressed in MOU ~~between~~ the Anchorage District Attorney's Office and the Office of the Staff Judge Adwcafe, Fort Richardson, AK).***

(1) Apparent suicides of civilians (not USA military dependents or DA civilian employees).

(2) Apparent accidental deaths.

(3) Homicides.

(4) Kidnapping.

(5) Sexual assaults ~~and/or~~ child abuse.

(6) Armed Robbery.

(7) Assault in ~~the~~ 1st, 2nd, 3rd, or 4th degree.

(8) Any ~~unlawful~~ entry of a dwelling, building or fenced area.

(9) ~~Theft/Larceny~~ in the 1st, 2nd, 3rd, or 4th degree or similar municipal offense. For example, ~~shoplifting~~ cases involving civilians, requiring the ~~issuance~~ of citations (unless USA opts to process eligible juveniles through the Juvenile Corrections Board channels or Magistrate Court).

(10) Any violation pertaining to controlled substances (~~to~~ include possession of any amount of ~~marihuana~~, suspected ~~marihuana~~ residue and narcotic paraphernalia) ~~committed~~ by a civilian. after notification to USACIDC.

(11) ~~Criminal~~ offenses involving juveniles when ~~referred~~ by USA

(12) Driving while intoxicated cases committed by all persons except active ~~duty military~~ members.

(13) Underage consumption ~~of~~ alcohol.

(14) Contributing to the delinquency of a minor.

(15) Arrests of civilians on municipal warrants on or attempting ~~to~~ enter the installation.

6. Use of APD Crisis Intervention Response Team (CIRT) on Fort Richardson, AK.

a. USA Responsibilities:

- (1) Will not request APD response to situations involving aircraft hijacking. These situations fall under the jurisdiction of the Federal Aviation Administration (FAA) and Federal Bureau of Investigation (FBI). This does not preclude APD support of the FAA and FBI under other existing agreements.
- (2) Will request dispatch of the CIRT and the APD mobile command vehicle to dangerous situations beyond the capabilities of the USA Military Police Special Reaction Team (SRT). Examples include situations in which incidents with a prolonged negotiations phase, tactical standoffs (those requiring forced entry, sniper deployment or actual building assault). Examples include but are not limited to neutralizing a barricaded suspect// hostage taker; conducting hostage negotiations and incidents inside schools within the Anchorage School District.
- (3) May request dispatch of CIRT to situations which could reasonably be expected to escalate into scenarios listed in paragraph 6a(2).
- (4) Will coordinate and schedule a semiannual CIRT response exercise on FRA when jointly agreed upon by both parties.
- (5) Will provide building blueprints, maps and other tactical information to CIRT and APD command element upon request unless precluded by security restrictions.
- (6) Will provide outer tactical perimeter security and traffic control as requested during CIRT responses.
- (7) Will provide MP and command liaison during CIRT responses. Trained USACIDC hostage negotiators may also augment APD hostage negotiators.
- (8) Will provide access to USA communications system and will loan USA radios to the CIRT and APD command element (for the duration of the incident)..

b. APD Responsibilities:

- (1) Will dispatch their CIRT and command vehicle to situations listed in paragraph 6a(2).
- (2) Will consider dispatching their CIRT and command vehicle to situations listed in paragraph 6a(3).
- (3) Will coordinate and respond to a semiannual CIRT response exercise on FRA when jointly agreed upon by both parties.

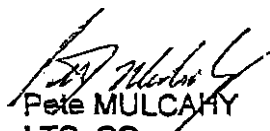
(4) Establish an inner tactical perimeter on situations requiring CIRT response.


(5) Will coordinate communications and equipment requests through the USA command liaison.


(6) Will coordinate Military Police support and tactical deployment through the MP liaison.


(7) Will only conduct **assaults** after permission is received from the installation commander through the APD command element, (unless the situation escalates too rapidly to obtain permission thereby necessitating the immediate use of deadly **force**). This action is justified only under conditions of extreme necessity and as a **last** resort when lesser means have failed or cannot reasonably be **employed**.

7. Effective date. This memorandum of understanding becomes effective from the date of the last signature to 31 **December 2002**. This MOU may be terminated by any of the undersigned parties following a **180-day** written notice.


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